

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket No. W0008/7000
Applicant:	James R. McSherry	
Serial No:	09/783,197	
Filed:	February 14, 2001	
For:	Method And Apparatus For Managing Workplace Services And Products	
Examiner:	S. L. Jarrett	
Art Unit:	3623	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reason(s) stated on that attached sheet(s).

Respectfully submitted

_____/paul e. kudirka/_____
Paul E. Kudirka, Esq. Reg. No. 26,931
LAW OFFICES OF PAUL E. KUDIRKA
Customer Number 64967
Tel: (617) 357-0010 Fax: (617) 357-0035

REASONS FOR REVIEW

Claims 1-3, 6-19, 22-35, 38, 40-45 and 48-56 have been rejected under 35 U.S.C. §103(a) as obvious over U. S. Patent Publication No. 2002/0123983 (Riley) in view of U.S. Patent No. 5,884,032 (Bateman, previously cited.) Applicant contends that the examiner has failed to establish a *prima facie* basis for rejecting the claims as obvious.

The present invention relates to the provision of workplace services and products to an organization by a three part system comprising proactive workplace resource office personnel who gather background information unique and specific to that user, a knowledge management database that is populated by the workplace resource office personnel with the user organization's unique and specific background information before users contact the specialists and specialist(s) that answer the user organization's unique and specific workplace questions based on information from the knowledge management database. One of the goals of this system is to establish, as soon as possible, a direct relationship between a user who has a unique and specific question for which a unique and specific answer is required and a specialist, or an expert, who has specific expertise in the appropriate area in order to provide an answer. To this end the workplace resource office personnel who gather the background information, use this information and information provided by the users to provide contact information for a specialist, such as a telephone number or a web address, to the user before any questions arise. This information enables that user to immediately and directly contact the specialist when a specific question based on a situation that is unique to a user arises. This arrangement allows the user to bypass the usual call center, automated directory or FAQ processes of the prior help desks and customer relationship management systems. The direct user-specialist relationship is important in many areas, such as where legal advice is given, in order to preserve the attorney-client privilege attendant to the answers given by an attorney.

The Riley reference discloses a conventional service desk. This desk operates with a five step method that is described in the Riley specification at paragraphs [0018] and [0094] in connection with Figure 4. There it is disclosed that the operation of the

Riley service desk comprises receiving a request for service, logging the request, categorizing the request, assigning the request and resolving the request. It is clear that, before a user receives service a request must arrive at the service desk, be categorized and assigned to service desk personnel. In particular, Riley contemplates a tiered processing arrangement in which a service desk operator, called “Tier 1 personnel”, receives a request for service and attempts to resolve the problem. If the service desk operator cannot resolve the problem, then the request is assigned to another person who attempts to resolve the problem using the service desk knowledge repository or other resources.

Therefore, Riley discloses no proactive workplace resource office personnel who proactively gather background information and no knowledge management database that is proactively populated before users contact the persons who will resolve their problems. As will be discussed below with respect to the claims, the Riley system is a reactive system that is not designed to establish, as soon as possible, a direct relationship between a user who has a specific question for which an answer is required and a specialist who has specific expertise in the appropriate area in order to provide an answer. Rather, it is designed to steer a user first to an automated response system (see Riley paragraphs [0103] and [0104]), then to a service desk operator (Tier 1 person, see Riley paragraphs [0105] and [0106]). At this point customer information is obtained from the customer or verified (see Riley paragraphs [0107] – [0109] and [0136]). If the service desk operator cannot resolve the problem, then the request is categorized and assigned to another person (Riley paragraph [0136]). If that person cannot handle the request, the request is further escalated up the service desk hierarchy to additional persons (see Riley, paragraphs [0142]-[0143]).

The Bateman reference has been discussed in detail in previous responses. It also discloses a traditional call center system run by an organization and is also a reactive system. The emphasis in these systems is on self-service as noted in the Bateman abstract, not on a proactive system where workplace resources personnel first reach out to the customer or user before a problem or situation at the user’s workplace occurs. In the present invention, once the problem or situation occurs, the customer or user is immediately connected to a specialist to answer their unique and specific

question using the database that has been pre-populated with their specific and unique information. In the Bateman system, a customer generally calls the call center and is greeted by an automated system which attempts to answer any questions that the customer might have. According to Bateman, if this automated response does not satisfy the customer, then the customer can request to be referred to a "live" person. The call is queued and a live operator is selected via an automatic call distributor (ACD) that makes a return call to the customer. The customer's telephone number is used to access a database and retrieve customer records. The operator can view any web pages that the customer might have been viewing when the help request is made. Similar to the Riley disclosure, Bateman does not disclose workplace resource office personnel who proactively gather background information, nor does it disclose a knowledge management database that is populated before users contact the persons who will resolve their problems. Bateman is not designed to establish, as soon as possible, a direct relationship between a user who has a specific question for which an answer is required and a specialist who has specific expertise in the appropriate area in order to provide an answer.

Thus, the combination of Riley with Bateman does not disclose or suggest the claimed invention since neither reference discloses the invention. In particular, claim 1 recites, in lines 5-15, "...using personnel in a workplace resources office ... to obtain background information for the plurality of users and the organization ... creating a database in the computer system memory ... connecting the workplace resources office to the ... the database ... in order to store the background information for the plurality of users and the organization obtained by the workplace resources office in the database before a user contacts a specialist ... the specialist receives user identifying information from that user, uses the received identifying information to access and retrieve user background information for that user from the database ..."

The examiner points to Riley paragraphs [0059]-[0062] and [0068] as disclosing the step of contacting a plurality of users to obtain user background and organization information. However, this section of Riley discloses that a service desk designer can determine user requirements in order to design the service desk. It is clear that these

user requirements are not stored in a database and then later retrieved by the specialist in order to respond to a user question as recited in claim 1.

The examiner further asserts that Riley paragraphs [0097] and [0098] disclose the step of before one of the plurality of users attempts to obtain specific assistance with any issue unique to their workplace and based on the background information, providing from the workplace resources office to that user, contact information which allows that user to immediately and directly contact a specialist with expertise specific to their unique workplace issues. However, at that location Riley discloses that the user is only provided with contact information to enable the user to contact the service desk and the service desk operator, not the specialist who will ultimately provide assistance. Bateman discloses the same scenario. Thus, the combination of Riley and Bateman does not disclose this claimed feature.

Claims 17, 33 and 48 contain limitations that parallel those in claim 1 and distinguish over the cited combination of references in the same manner as claim 1. Claims 2-3, 6-16, 40-41 and 53 are dependent, either directly or indirectly, on claim 1 and incorporate the limitations thereof. Therefore, they distinguish over the cited combination of references in the same manner as claim 1.

Claims 18-19, 22-32, 42-43 and 54 are dependent, either directly or indirectly, on claim 17 and incorporate the limitations thereof. Therefore, they distinguish over the cited combination of references in the same manner as claim 17. Similarly, claims 34-35, 38, 44, 45 and 55 are dependent upon, either directly or indirectly, on amended claim 33 and incorporate the limitations thereof. Therefore, they also distinguish over the cited references in the same manner as amended claim 33. Claims 49-52 and 56 are dependent, either directly or indirectly, on claim 48 and incorporate the limitations thereof. Therefore, they also distinguish over the cited references in the same manner as amended claim 48.

A total of 96 references have been cited in this application of which 11 have been applied against the claims. Official notice has been taken of numerous steps and elements. There have been four office actions and personal interview. However, with all of these citations, official notices and office actions, although different combinations of references have been applied against the claims, the same service and help desk

literature is being applied against the claims. When a response is filed, a different combination of literature is presented, but there is no advance in the prosecution because the references are essentially cumulative.

Applicant believes that many additional references showing help and service desks can be obtained so that a continuous stream of rejections can be made, thereby prolonging the prosecution and the expense to applicant. However, applicant believes that these references will merely be cumulative to those already cited. At some point a decision must be made whether an invention is present or not. Applicant believes that this time is now and respectfully requests review of the current rejection and advancement of the application to issue. Otherwise, this prosecution will amount to prosecution by attrition.